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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REV. PATRICK J. MAHONEY, CHRISTIAN
DEFENSE COALITION, OPERATION
RESCUE BOSTON and OPERATION
RESCUE WEST, BRANDI SWINDELL,
GENERATION LIFE, and SURVIVORS OF
THE ABORTION HOLOCAUST,
Plaintiffs,

vs.

TOM RIDGE, Secretary of the Department of
Homeland Security, in His Official Capacity,
W. RALPH BASHAM, Director of the United
States Secret Service, in His Official Capacity,
JOHN DOE AGENT, Field Agent in Charge
of the Boston Office for the United States
Secret Service, in His Official Capacity, JOHN
DOE AGENTS 1 to 20, in Their Official
Capacity as Special Agents for the United
States Secret Service.
Defendants.

Case No.:

04 11 649 NMG

PETITION FOR PRELIMINARY
INJUNCTION

Plaintiffs make this Petition for a Preliminary Injunction pursuant to Fed.R.Civ.P. 65, and
is based on the facts set forth in the Declaration of Patrick J. Mahoney included herewith, and

1 any and all additional evidence that may be presented at the preliminary hearing. In addition,
2 plaintiffs file simultaneously herewith their memorandum of law in support of the injunction.

3 Plaintiffs hereby apply for entry of a preliminary injunction wherein the defendants, their
4 agents, servants, employees, and attorneys, and those acting in active concert with them be
5 denied the authority to leave the sidewalks open generally to other uses while closing the
6 sidewalks to First Amendment Activities for the week of July 26 through August 1, 2004 during
7 the Democratic National Convention, and furthermore, deny the defendants the power to close
8 Louisburg Square and Pinckney Street to First Amendment activity for the reasons articulated in
9 the plaintiffs' complaint until this matter can be heard on its merits.
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11 In support of this application, plaintiffs stress that (1) the issuance of a Preliminary
12 Injunction is necessary to prevent irreparable harm to plaintiffs and others. Unless this Court
13 enjoins the defendants, plaintiffs' constitutional rights will continue to be violated in that the
14 newly enacted closure of Louisburg Square and Pinckney Street is an unconstitutional prior
15 restraint on these plaintiffs First Amendment rights, amounts to viewpoint and content based
16 discrimination against the plaintiffs', and infringes upon and violates the plaintiffs' First
17 Amendment rights by summarily suspending the First Amendment rights of these plaintiffs for
18 reasons of National Security while leaving open the same avenue to others, a violation of the
19 First and Fourteenth Amendments to the United States Constitution. Enforcement of the newly
20 enacted closure of Louisburg Square and Pinckney Street will result in irreparable injury and
21 deprivation to the plaintiffs of their First and Fourteenth Amendments rights guaranteed by the
22 United States Constitution.
23

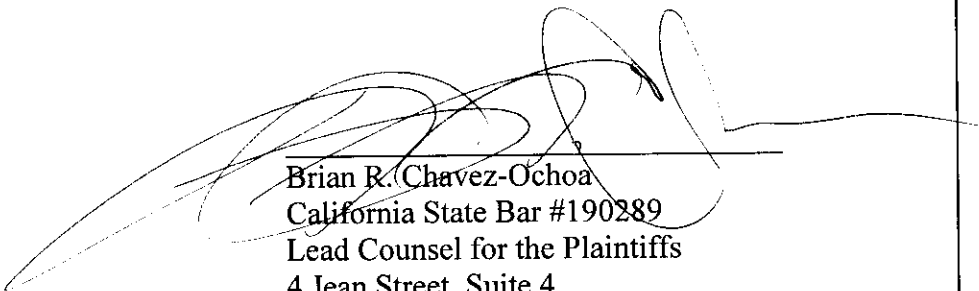
24 WHEREFORE, plaintiffs respectfully request that this Court enter a Preliminary
25 Injunction ordering the defendants from the facts set forth above, most specifically:
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1 Order the defendants, their agents, servants, employees, and attorneys, and those acting in active
2 concert with them be denied the authority to leave the sidewalks open generally to other uses
3 while closing the sidewalks to First Amendment Activities for the week of July 26 through
4 August 1, 2004 during the Democratic National Convention, and furthermore, deny the
5 defendants the power to close Louisburg Square and Pinckney Street to First Amendment
6 activity for the reasons articulated in the plaintiffs' complaint until this matter can be heard on its
7 merits.
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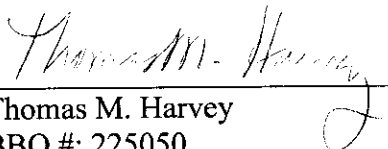
9 Dated: July 23, 2004.

10 Respectfully submitted,

11 CHAVEZ-OCHOA LAW OFFICES

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